

BOARD OF MAYOR AND ALDERMEN

November 15, 2005

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil,
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Baines stated before I begin the meeting this evening, I would like to acknowledge all of the people who ran for public office – those who were successful and those who were not and all of the people who worked very hard for all of the campaigns. It is a lot of hard work and a lot of personal sacrifice for families so I want to extend my warm congratulations to everyone who participated and I would like to give special recognition and introduce at this time the Mayor-Elect of Manchester, Frank Guinta. Congratulations Frank. As is the right thing to do when there is a transition, we have offered the full cooperation of the Mayor's Office and our staff is available. I have asked all department heads to support fully all of Frank's efforts and his transition team, not that they would have needed to be asked. We have very professional department heads in the City and I know they are going to respond the way they should respond whenever there is a change in government. I, of course, will have more to say at another time when it is more appropriate. I would like to also introduce the Alderman-Elect for Ward 3, Pat Long. The other thing I did want to say to the Mayor-Elect is I was very pleased that you have selected Sean Thomas. I had an opportunity to work with Sean as a high school principal working with the Mayor's Office. He is truly one of the finest people who has ever served a Mayor here in the City of Manchester. He brings credibility, integrity and a bi-partisan spirit, which will serve you well during this transition. Sean, welcome back and I am very proud that you are back. I also have an announcement. We have received the appraisal for the Center of New Hampshire garage and I will be asking Alderman Thibault to bring that forward at the next meeting of the Lands and Buildings Committee and then a report will be made to the full Board of Mayor and Aldermen at the December meeting. It is essential that we move rapidly on this process because as you know it is the desire to have that sale completed by the end of January because of the issues that are involved with that. So that just came in recently and again it will be sent to the Committee and we will work with Alderman Thibault to make sure that moves along the way it needs to.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Accept BMA Minutes

- A. Minutes of meetings held on June 7, 2005 (one meeting); July 19, 2005 (four meetings); August 2, 2005 (two meetings); September 6, 2005 (three meetings); and October 4, 2005 (two meetings).

Informational – to be Received and Filed

- C. Communication from Leo Bernier, City Clerk, advising that the City Clerk's office has requested assistance from Senator Gatsas and the City Solicitor to proceed with legislative action relating to the need for a blanket business registration and the ability of the City to monitor or regulate business activities within the city.
- D. Communication from Kevin Clougherty, Finance Officer, submitting a copy of the official 2005 tax rate notification received from the NH Department of Revenue Administration.
- E. Minutes of the September 27, 2005 meeting of the MTA Commission meeting and the Financial and Ridership Reports for the month of September 2005.
- F. Minutes of the October 19, 2005 meeting of the Mayor's Utility Coordinator Committee.
- G. Communication from Robert MacKenzie, Director of Planning and Community Development, advising that he is a member of the State's YDC Task Force whose primary objective will be to identify future use of both buildings and land that will become excess to the State's needs.
- I. Communication from Comcast submitting the third quarter of 2005 franchise fee payment in the amount of \$294,790.17.
- J. Communication from Comcast advising of changes to a small percentage of customers effective December 1, 2005.
- K. Communication from Larry Gammon, President and CEO of Easter Seals expressing their gratitude for the City's contribution of \$3,000.00 to help defray costs associated with recent flooding.

REFERRALS TO COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- L. Communication from William Sirak, Chairman of the Manchester Development Corporation, seeking the Board's concurrence of a grant in the amount of \$15,000 from the MDC Restricted Marketing Account to provide new marketing initiatives of the Manchester Economic Development office.

COMMITTEE ON FINANCE

M. Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Six Hundred Thousand Dollars (\$3,600,000) for the 2006 CIP 711806, CSO Crescent Road Basin Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Million Three Hundred Thousand Dollars (\$5,300,000) for the 2006 CIP 711906, CSO Poor/Schiller Street Area Project.”

N. Resolution:

“Amending the FY2006 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Five Thousand Dollars (\$175,000) for FY2006 CIP 612506 Energy Efficiency Improvement Project.”

REPORTS OF COMMITTEES

COMMITTEE ON JOINT SCHOOL BUILDINGS

P. Advising that they have authorized the Facilities Division to get a cost estimate to fix the sound attenuation problem at Parkside Middle School.
(School Committee Members Herbert, Langton, Beaudry, Perry and Aldermen Porter, DeVries and Thibault voted yea; School Committee Member Kelley and Alderman Garrity were absent; Alderman Roy was absent at the time of vote.)

Q. Advising that they have authorized the replacement of four makeup air units at Highland Goffe’s Falls school.
(School Committee Members Herbert, Langton, Beaudry, Perry and Aldermen Porter, DeVries and Thibault voted yea; School Committee Member Kelley and Alderman Garrity were absent; Alderman Roy was absent at the time of vote.)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O’NEIL, DULY SECONDED BY ALDERMAN SMITH, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

B. PSNH Pole Petition #11-1028 located on Waverly Street;
PSNH Pole Petition #11-1093 located on Andrew Street;
Verizon Pole Petition #9AAW17 located on Riverfront Drive; and
Verizon Pole Petition #9AAXAJ located on Allard Drive and Foundry Street.

Alderman Osborne asked Frank Thomas to come forward for a question. I don’t see too many problems with PSNH but Verizon in my ward over the past few years that I have been Alderman it seems like a lot of telephone poles are being put up but the old ones are not being taken out. A lot of the people are dissatisfied with this outside of their homes because

of the dirt around the poles and so on and so forth. It seems like it takes a long time to pull a pole out. To put up new ones and not take the old ones out...what is wrong here?

Frank Thomas, Public Works Director, stated you are correct. We do have some delays, especially by Verizon in completing the work when they are either relocating a pole or putting new poles up. We are constantly in discussions with them and the lines of communication are open. They are behind in a lot of their pole removal.

Alderman Osborne stated I have called a couple of times to no avail. I think something has to be done sooner or later or we are going to have poles all over the place. As long as we stay on top of it, that is the main thing.

Mr. Thomas responded we are on top of it and we are doing our best. Again, we are communicating with them on a regular basis.

Alderman Gatsas asked can you tell me, Frank, the poles on Allard Drive. Is this talking about they are under supervision for installation because my understanding is there is nothing being done with the poles on Allard Drive at this time.

Mr. Thomas answered Allard Drive has been under the construction and supervision of the State. The project has not been turned over to the City or accepted by the City but I would assume that the state inspectors have been coordinating the construction with Verizon and the other utility companies.

Alderman Gatsas stated I am only commenting because it is on this list.

Mayor Baines stated we are involved and Mike from my office has been working to deal with Verizon on this issue. I am very aware that a business is willing and ready to open and can't.

Alderman Gatsas stated he has probably called a hundred of us.

On motion of Alderman Roy, duly seconded by Alderman Thibault it was voted to approve the pole petitions under the supervision of the Highway Department.

H. Communication from Gerard Fleury, Executive Director of the Manchester Employee's Contributory Retirement System, advising that the System is seeking sponsorship in the NH Senate for three pieces of legislation in the 2006 session.

Mayor Baines stated I am recommending that this item be tabled so there can be discussion about some of those issues that are in that packet. At the Retirement System Board of Trustees Meeting...Mr. Clougherty and I are both members of that and we have not seen some of those things come over and we just feel that they need to go before the Board.

On motion of Alderman DeVries, duly seconded by Alderman Garrity it was voted to table this item.

Report of the Committee on Joint School Buildings:

- O.** Advising that they have authorized the Facilities Division to get a cost estimate to clean the bricks in the gymnasium at Memorial High School.
(School Committee Members Herbert, Langton, Beaudry, Perry and Aldermen Porter, DeVries and Thibault voted yea; School Committee Member Kelley and Alderman Garrity were absent; Alderman Roy was absent at the time of vote.)

Alderman Forest stated I know I had called Tim Clougherty today but I guess Frank Thomas has the information. I saw something on this and again I think maybe Frank can clarify it tonight. I was listening to the Joint School Board meeting a few weeks ago or a few months ago and there was some mention about \$15,000 to paint some brick at Memorial. From what I understand, there are going to be bleachers there. Again, I talked to Tim Clougherty who said that we have now changed that and we are going to be sandblasting instead of painting and there is a lower estimate. Do you have that Frank or do you know what is going to be done there?

Mr. Thomas replied I don't have the revised estimate but in addition to the walls where the bleachers are going, the other walls are also going to be cleaned.

Alderman Forest asked you don't have a pricetag on that.

Mr. Thomas answered no I don't.

Alderman Forest stated I don't know where I got the number \$15,000 but I think that is kind of excessive for something that won't show.

Mr. Thomas responded it is the other walls that do show that are going to have the work too. It is not only the walls behind the bleachers; it is the other walls also.

On motion of Alderman Forest, duly seconded by Alderman Roy it was voted to accept, receive and adopt the report of the Joint School Buildings Committee.

Mayor Baines asked Lillian Rheault to come forward. I have two presentations that I would like to make to Lillian. I would like Alderman Forest to read the first one.

PROCLAMATION

Whereas, Lillian Rheault served for 20 years as a Selectmen in Ward 12 from 1985 until November 2005, and;

Whereas, Lillian also a three term state legislator has volunteered at the City Hall Information Booth since its inception, and;

Whereas, Lillian has always served the citizens of Manchester with tireless dedication and whereas the outpouring of love from her children David and Janice, their families and the affection of all gathered here today in evidence of the considerable impression she has made in the lives of others.

NOW, Therefore, I, Robert A. Baines, by virtue of the authority vested in me as the Mayor of the City of Manchester in the State of New Hampshire, do hereby proclaim today, November 15, 2005, to be Lillian I. Rheault Day in the City of Manchester.

Mayor Baines stated I call upon all of our citizens to thank this great lady for her immeasurable contributions to her City. Mayor Baines stated I also have another presentation and this would be in the form of a key to the City, which is the most important recognition a Mayor can present to a distinguished citizen. It is an honor for me, as Mayor, to present this key to the City to Lillian I. Rheault in recognition of her outstanding service to the people of Manchester. Congratulations and thank you from all of us for the great job you have done representing this wonderful City.

Nominations presented by Mayor Baines.

Conservation Commission

Tara C. Hurst to succeed Eric Skoglund, term to expire August 1, 2008.

Gregg Sargent to fill a vacant alternate seat, term to expire August 1, 2008.

Arts Commission

Kelleigh L. Domaingue to succeed Grace Freije, term to expire December 1, 2008.

Mayor Baines stated as per the rules of the Board, those nominations will layover until the next meeting.

Water Commission

Richard Bunker to succeed himself, term to expire January 1, 2009.

C. Arthur Soucy to succeed himself, term to expire January 1, 2009.

Alderman Porter moved to suspend the rules and confirm the nominations to the Water Commission as presented. Alderman Smith duly seconded the motion.

Alderman Gatsas asked can the City Solicitor explain to me...I thought the last time we had the conversation that Mr. Soucy had reached his term limit.

Mayor Baines answered we looked into that today. He received a six-year appointment from Mayor Wieczorek, which was prior to the Charter being adopted and he received one appointment from me. The rules that we have been following is that everyone is entitled to two nominations following the adoption of the Charter so this is consistent with the rules.

Thomas Arnold, Deputy City Solicitor stated that is correct.

Alderman Gatsas asked so your appointment was three years ago.

Mayor Baines answered that is correct. He had a six year term...the City Solicitor's Office researched this.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Mayor Baines stated I want to personally congratulate the Water Commissioners. One of the great honors that I have had...I have been I think one of the most active members of the Water Commission as Mayor. It is a wonderful group and we should be very proud this week as we dedicate a brand-new water treatment plant facility here in the City of Manchester to insure the highest water quality perhaps of any community in the nation at the lowest price. That is under the leadership of C. Arthur Soucy, Tom Bowen and the great team that is at Water Works. Congratulations on moving that project forward with the support of the Board of Mayor and Aldermen.

Alderman Porter stated since we are in the neighborhood of Ward 6, the gateway to the City of Manchester from the east, I would like to take this opportunity to nominate Donna Soucy, the School Committeewoman Elect, to the Board of School Committee. Alderman O'Neil duly seconded the nomination.

On motion of Alderman Lopez, duly seconded by Alderman Thibault it was voted to close the nominations.

On motion of Alderman Porter, duly seconded by Alderman O'Neil, it was voted to confirm the nomination of Donna Soucy as the Ward 6 representative to the Board of School Committee.

Elderly Services Commission

Jeffrey Bolduc to succeed himself, term to expire January 1, 2009.

Dr. Daniel Waszkowski to succeed himself, term to expire January 1, 2009.

On motion of Alderman Lopez, duly seconded by Alderman Forest it was voted to suspend the rules and confirm the nominations to the Elderly Services Commission as presented.

Heritage Commission

Ken Scarpetti to succeed himself, term to expire January 1, 2009.

On motion of Alderman O'Neil, duly seconded by Alderman Porter it was voted to suspend the rules and confirm the nomination of Ken Scarpetti to the Heritage Commission, term to expire January 1, 2009.

Heritage Commission

Christopher J. Newton to succeed Kathleen Mirabile, term to expire January 1, 2009.
Cathryn “Kate” E. Vaughn to fill a vacant alternate seat, term to expire January 1, 2009.

Millyard Design Review Committee

Dick Anagnost to succeed Dean Kamen, term to expire January 1, 2009.

Mayor Baines stated as per the rules of the Board, these nominations will layover until the next meeting.

Manchester Housing & Redevelopment Authority - Appointment

William B. Cashin to succeed himself, term to expire December 31, 2010.

Mayor Baines stated this is a Mayor’s appointment and does not need to be confirmed by the Board.

Mayor Baines stated with the next group we have been soliciting names for some time from the Board of Mayor and Aldermen and people on the Committee that Aldermen Garrity served on for the Office of Youth Services Advisory Board. The names are as follows:

Office of Youth Services Advisory Board

Robert J. Champagne, term to expire January 1, 2009
Carol A. Johnson, term to expire January 1, 2009
Catherine E. Allard, term to expire January 1, 2009
Toni H. Pappas, term to expire January 1, 2009
Tricia H. Lucas, term to expire January 1, 2009
Daniel T. Leach, term to expire January 1, 2008
James Clinton “Skip” Harris, term to expire January 1, 2008
Kendall A. Snow, term to expire January 1, 2008
Susan McKeown, term to expire January 1, 2008
Matthew J. LaPointe, term to expire January 1, 2008
Ashley Pratte, term to expire January 1, 2007
Lejla Catovic, term to expire January 1, 2007

Mayor Baines stated as per rules of the Board, these nominations will layover until the next meeting.

Confirmation of the nomination of Richard E. Molan to fill the unexpired term of Mark Isenberg, term to expire May 1, 2006.

On motion of Alderman Garrity, duly seconded by Alderman DeVries it was voted to confirm the nomination of Richard E. Molan to the Planning Board, term to expire May 1, 2006.

Alderman Roy moved to nominate Jeffrey Duval to the Retirement Board as the Aldermanic appointment. Alderman DeVries duly seconded the motion.

Alderman Lopez moved to close the nominations. Alderman Forest duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

On motion of Alderman Roy, duly seconded by Alderman DeVries it was voted to suspend the rules and confirm the nomination of Jeffrey Duval to the Retirement Board, term to expire 1/1/2009.

Mayor Baines stated I understand Alderman-Elect Jerome Duval is here. Congratulations and welcome. In the interest of full disclosure, our daughters are roommates at Keene State College and they have been for two years. Now one will be talking about politics and one won't.

Manchester Development Corporation quarterly report to the Board.

Paul Borek, Economic Development Director, stated I would like to introduce Mike McCluskey, a member of the Board of Directors of the Manchester Development Corporation.

Michael McCluskey stated thank you for the opportunity to provide a brief update of some of the activities of the Manchester Development Corporation. We are a Board of community volunteers appointed by the Board of Mayor and Aldermen and we serve as a resource for the Board and the City to focus on economic development issues. As Paul mentioned, I am Mike McCluskey and I am a member of the Board and Chair of its Communications Committee. Part of the plan that we adopted this year was to try to get together and meet with you folks quarterly just so we could provide you with status updates on what is going on. Obviously, this presentation is going to be put together with Paul Borek. He is the Director of Economic Development. We see his position as the quarterback for economic development and we support and appreciate your support and leadership in establishing this position. Paul will cover some of the pending projects that are currently going on and also we want to list some potential items of what you might want to involve the MDC in going forward. Normally Bill Sirak would be here to do this presentation. Unfortunately, Bill had cataract surgery scheduled for 2 PM today so he didn't think he would be quite prepared to meet with you tonight. Without further adieu, I will have Paul go through the status of some of the items that we have going on.

Mr. Borek stated just for review purposes we wanted to point out the mission statement that the Manchester Development Corporation has, which is to facilitate the highest and best use of the assets of the City of Manchester for the benefit of all of its citizens and work together with the Economic Development Director to advocate, forge and facilitate economic development activities for the City of Manchester, including business relation retention, contraction and expansion. Some of the past accomplishments of the Manchester Development Corporation have included advocating for and being involved in the planning

and construction of the Verizon Wireless Arena, the sale of the Bridge and Elm Street site and to facilitate the construction of the Residences at Manchester Place, facilitation of the University of New Hampshire move to the Millyard and the acquisition of the Hackett Hill property for commercial development. Some start up funding was provided for the City of Manchester website, as well as the creation of Manchester's first Convention and Tourism Bureau. The MDC has also provided gap financing for the renovation of three buildings on Elm Street in the downtown and the MDC was involved in advocacy for expansion of the airport. Some of the strengths that the MDC had identified in a recent strategic planning exercise included flexibility, reputation, independence, dedicated volunteers, leadership and the ability to serve as a sounding board for new ideas, as well as ongoing liaison with the Board of Mayor and Aldermen regarding economic issues. Some of the opportunities that the MDC foresees in the near future include playing a potential leadership role in the development of the economic strategic plan for the City of Manchester, as well as defining its future roles and roles guiding the staff of the Economic Development Department, our office, and refining and further developing a vision for economic policy in the City; acting as a think tank regarding economic development issues and coordinating and formalizing some regional approaches to economic development that benefit the City of Manchester and its neighbors. Some ongoing projects again include the Hackett Hill Research Park and the JPA Laser Technology project is progressing as well as the acquisition and development of the French Hall property and infrastructure design is going forward together with our partners at the Manchester Housing & Redevelopment Authority. The Residences at Manchester Place, I believe, are due to receive occupancy permits in the coming weeks and the Manchester Development Corporation provided a \$75,000 loan for the economic development strategic plan. Again, a couple of recommended initiatives that you could choose to involve the MDC in in the future include the coordination and implementation of the economic strategy global recommendations that are forthcoming. The Angelo Economics Study is due to put forward draft recommendations at the end of November or early December and those recommendations include convening and helping partnerships aid in the development of facilities and programs that would help the City of Manchester and its residents compete for future investment and future jobs in the new economy. Also, as the MDC has been involved in the past, you could request that the MDC be involved in special project implementation such as marketing of the JacPac site, participating in the marketing of the Ash Street School site when the School District vacates the site and other targeted redevelopment projects. We just wanted to provide you that update. This begins a process for MDC to communicate with the Board of Mayor and Aldermen on a quarterly basis and to allow feedback from the Board.

Mr. McCluskey stated in addition as we have new members sit on the Board of Mayor and Aldermen we will obviously be willing to offer some sort of an orientation to let them understand the issues so they get an understanding of their role and things that are going on and we also hope that you will join us for a reception when we have the people that you appoint go off of their terms and new people come on.

On motion of Alderman Garrity, duly seconded by Alderman Sysyn it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Six Hundred Thousand Dollars (\$3,600,000) for the 2006 CIP 711806, CSO Crescent Road Basin Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Million Three Hundred Thousand Dollars (\$5,300,000) for the 2006 CIP 711906, CSO Poor/Schiller Street Area Project.”

ought to pass and layover, and further that a Resolution:

“Amending the FY2006 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Five Thousand Dollars (\$175,000) for FY2006 CIP 612506 Energy Efficiency Improvement Project.”

ought to pass and be enrolled.

Alderman Forest moved to accept, receive and adopt the report of the Committee on Finance. Alderman Shea duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition to the Resolution regarding the Energy Efficiency Improvement Project.

A report of the Committee on Human Resources/Insurance was presented advising that it has reviewed and approved requests as follows:

- 1) Request for the establishment of a new class specification, Health Assistant, Salary Grade 10, and;
- 2) Request from the Public Works Director for the establishment of a new class specification for a new position of Building Automation Specialist at a Salary Grade 18

and recommended that same be referred to the Committee on Bills on Second Reading for technical review.

Deputy City Clerk Johnson stated I would note that I negated to put the votes of that Committee on there so I do apologize. The report does not contain the votes that were cast and I apologize for that.

Alderman Gatsas asked are those funds within the two department's budgets.

Mayor Baines answered yes it is within their budget.

Alderman Gatsas asked is there a reason why those positions weren't brought forward during the budget process.

Mr. Thomas stated the position that was approved in the Facilities Division was included in the budget process and was approved by the School Board and we are just implementing a position now.

Alderman Gatsas asked so the funding is available and it is not additional tax dollars.

Mr. Thomas answered that is correct.

Alderman Garrity stated I opposed this in Committee. I don't think we should be starting any new positions until the Mayor-Elect takes office so that is why I opposed it and I strongly urge my colleagues to do the same

Alderman DeVries stated I would just reinforce what we just heard, that the two positions are coming through the school budget. One is 100% funded by the schools and the other 83%. They are required for warranty management or oversight for the new school facilities. The Health Assistant is actually going to save the School Department money and assist in keeping in-house special needs students. I disagree respectfully with my colleague and I believe we should put these two positions through. This is not City tax dollars and these are funded through the School finance budget.

Alderman Garrity stated I would have to disagree. School dollars are tax dollars. It all comes out of the same well.

Alderman Guinta stated I had a follow-up question to what Alderman DeVries said. If there is a savings on the School side do we know what the savings is and where it is being applied to?

Alderman DeVries responded I will take a shot at answering that question because I think you are talking about the Health Department for the establishment of the new Health Assistant. Fred Rusczek, who I think has left, what he indicated is that by keeping our special needs students in-house we don't have to send them to special facilities and the School District actually recognizes a savings. That is 100% funded, that position, through the School budget. The other position is with the Facilities Division and that is 83% funded by the School. That position is necessary to keep the warranties current on all of the new equipment in place.

Mayor Baines stated the position at the Facilities Division is related to the new equipment that is being installed in the schools. It would make sense to me that if we are going to install and invest in all of this new equipment we should have people that operate it. I think that is the comment that Frank made during the meeting. I don't want to get into that whole cycle. I would hope you wouldn't want to get into that whole cycle of investing all of this money and then not maintaining and operating it properly.

Alderman Garrity stated at Human Resources, Tim Clougherty did state that the position could wait until January.

Alderman Shea stated it is going to wait until January. All we are going to do tonight according to what Tim Clougherty said was put a classification together and before the new person is hired they have to come back with a certain amount of compensation and so forth. As a group, we can be penny wise and pound foolish. We have to look at that. We can't say no to everything, your Honor. We have to start saying yes to things that are going to be beneficial for the general public. If we begin to say no to everything then basically we are going to have trouble as a community to start answering the needs of our constituents first and the general public second. I think it is probably unacceptable as Chairman of Human Resources for a person to start criticizing what other people are doing in a public meeting. I believe they are entitled to their own opinion and they are granted their own opinion but by the same token I think we should start being respectful of one another. We know what is going on in another municipal department. Let's hope it doesn't go on here your Honor.

Mayor Baines called for a vote to accept, receive and adopt the report of the Human Resources Committee. The motion carried with Alderman Garrity being duly recorded in opposition.

Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Development Coordinator) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Thibault, duly seconded by Alderman Lopez it was voted to read the Ordinance by title only, and it was so done.

This Ordinance having had its second reading by title only, Alderman Lopez moved that it pass and be enrolled. Alderman Sysyn duly seconded the motion.

Alderman Gatsas stated I have heard two people say that it wasn't a cost to the City. Can somebody explain to me why we as a Board are approving a position that is a position that is in the School District or are they just reimbursing?

Mayor Baines responded it is a chargeback or at least that is what I heard on TV. 83% is a chargeback.

Alderman Gatsas asked well are the benefits and everything a chargeback.

Mayor Baines answered Frank told me it was 83%. Is that correct?

Mr. Thomas stated yes that position is funded in the operating budget for the Facilities Division. In that operating budget, approximately 80% of that position – salary and benefits, gets charged off to the School District.

Alderman Gatsas asked what does that person do for the other 17% of his wage.

Mr. Thomas answered handles the City buildings because that system will be in the City buildings.

Alderman Gatsas asked is that the Health Assistant.

Mr. Thomas answered no. The Health Assistant is under Fred Rusczek and the Health Department.

Alderman Gatsas stated well the Health Assistant is the one I am talking about. Is that a City employee or is that a School District employee that is reimbursed?

Virginia Lamberton, HR Director, stated it is a Health Department employee and the City is reimbursed by the School Department. This is to establish a title so that during peak times when they are having problems they can hire people to come in as Health Assistants to help out the registered nurses to be able to make the days go by better. It is not for a new position. It is simply a title so we can hire...it is like substitutes but they are not substituting for anybody. They are just supplementing the nursing office.

Alderman Gatsas asked so there are no benefits included in that position.

Ms. Lamberton answered no there would not be any benefits.

Mayor Baines called for a vote on the motion that the Ordinance pass and be enrolled. The motion carried with Alderman Garrity being duly recorded in opposition.

On motion of Alderman Thibault, duly seconded by Alderman Osborne, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that an Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Development Coordinator) of the Code of Ordinances of the City of Manchester.”
was properly enrolled.

On motion of Alderman Smith, duly seconded by Alderman Sysyn it was voted to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration.

Copy of a communication from Alderman Gatsas to City Solicitor and Parks, Recreation and Cemeteries regarding MCAM’s use of the JFK facility.

Deputy City Clerk Johnson noted that there was a distribution of a letter to the Board that was signed by Mr. Ludwig and there is a subsequent letter from the Deputy City Solicitor that was just distributed.

Alderman Thibault moved to receive and file. Alderman DeVries duly seconded the motion.

Alderman Gatsas asked where is the letter.

Deputy City Clerk Johnson stated the letter from the Solicitor was just distributed...

Alderman Gatsas interjected it was just handed out to us. Can you give us five minutes before you make that motion, your Honor, to receive and file?

Mayor Baines stated it is just a motion on the floor. We are not voting on it yet.

Alderman Gatsas asked can we read the letter.

Mayor Baines answered if you like.

Deputy City Clerk Johnson stated there are two letters. One from the Director of Parks & Recreation and one from the Solicitor.

Alderman Gatsas asked where is the one from Parks.

Deputy City Clerk Johnson answered you received that earlier. It has a 16 in the upper right hand corner.

Alderman O'Neil stated I guess I am confused. If they were asking to use the JFK common sense tells me they are going to use the connection there. Why else would they go there?

Mayor Baines responded they did.

Alderman O'Neil replied I know but this thing about they asked to use it but they didn't ask for the connection is crazy. It is referenced in both letters.

Mayor Baines stated I understand that it is a moot point now because they are live out of their facility. Isn't it? That is what I was told.

Alderman Gatsas stated I have a question on who authorized this. Is there somebody that can talk to either of the letters? Somebody must have authorized somebody to get into a City building.

Ron Ludwig, Parks, Recreation & Cemetery Director stated the only thing I can tell you is that from a lower level it came from the JFK Supervisor down there. A call was made to our office indicating to us that there was going to be some use of the connection by MCTV. I think the people down there, including myself, were somewhat confused at the time the request came relative to who MCTV was and who MCAM was. We weren't all...I guess we should have known but we didn't. We were asked to use a small corner of the office at JFK to plug in a tape and basically our department had no real issue with that at the time.

Alderman Gatsas stated my question is liability of the building, access to the building...

Mayor Baines interjected you had someone there didn't you.

Mr. Ludwig responded yes we had someone there.

Alderman Gatsas asked so there is somebody in the building that sits there with that tape running.

Mr. Ludwig answered we have an attendant there when we have ice time. I guess there might have been some times when they had access to the building but we looked at them as another City department that had a need at the time. It is that simple. There was no other intent there.

Alderman Gatsas asked so there was never a concern that those employees that work for MCAM aren't City employees and if there was a liability issue...did anybody ask those questions or is it just...

Mayor Baines interjected I don't want to answer it for Mr. Ludwig but he had some confusion about the organization. I can understand it because I still do not know which building to go to when I being taped to do a show. I think we should be aware of that going forward.

Alderman Gatsas asked are they still there.

Mr. Ludwig answered it is my understanding they are...

Alderman Gatsas interjected can we get an indemnification agreement from MCAM to indemnify the City.

Mayor Baines stated the City Solicitor would like to respond.

Deputy Solicitor Arnold stated I spoke to Joe Lahr this morning. The cable for their origination point has been brought into their building. There was some delay in doing that. Comcast was at their studio this morning. They are supposed to go back tomorrow morning to do some work. I understand from Mr. Lahr that they are going to be live on their origination point on their studio at 540 Commercial Street in the very near future.

Alderman Gatsas asked so who authorized them entrance into the building.

Deputy Solicitor Arnold asked which building are you referring to.

Mr. Ludwig stated I am sure we did.

Alderman Gatsas replied well not according to this letter. The City Solicitor's letter is a little different.

Mayor Baines stated we don't want to bar them from the building.

Alderman Gatsas responded nobody wants to bar them, your Honor. I am just looking for some indemnification for the City because if somebody goes in there...

Mayor Baines interjected do you think an indemnification is needed Mr. Arnold.

Deputy Solicitor Arnold stated the agreement that the City entered into with MCAM does provide for indemnification. It also has insurance requirements.

Mayor Baines responded okay so you feel that is taken care of.

Alderman Lopez stated I think we are going to talk about this all night but the MCTV Director, Grace Sullivan, let them use the equipment over there. I found that out. If anything happens they have insurance and everything else. This is a minor point.

Alderman O'Neil stated I appreciate Ron clearing that up. The letters weren't clear to me and I appreciate him coming up and clearing up what happened.

Alderman Guinta asked who is paying for the origination point to 540 Commercial Street.

Mayor Baines answered they are.

Alderman Guinta asked what is the cost.

Mayor Baines stated that is the responsibility of their Board.

Alderman Lopez stated I happened to sit in on the meeting when that was talked about and it is costing them about \$30,000 in order to put that fiber optic cable in. They are on their own and spending their own money.

Alderman Guinta stated I do recall when we had the budget discussion relative to MCAM there was no allotment for an origination point into MCAM so I guess the concern I have is while saying they are going to be paying for it is fine, I am not sure where the funds are coming from because it was never a line item in their budget request.

Mayor Baines stated they get a bottom line and they have to meet their expenses. I think this was an unanticipated expense.

Alderman Guinta responded that I agree with but how can an origination point into the building from which they are going to broadcast be considered an unexpected expense.

Mayor Baines replied that is another question. That is a pretty valid one. They didn't anticipate the problem. It is as simple as that. Should they have? Absolutely.

Alderman Lopez stated I think what we have here is apples and oranges. We approved MCAM to go on their own as public access TV. We gave them a budget and capital improvements and said go build your Taj Mahal.

Alderman Gatsas asked did they build a Taj Mahal.

Alderman Lopez answered well it is a nice building and you are going to be invited down there one of these days to see it.

Alderman Gatsas responded I am sure the taxpayers will be interested if it is a Taj Mahal.

Mayor Baines called for a vote on the motion to receive and file. There being none opposed, the motion carried.

Mayor Baines stated I don't know if I would classify it as a Taj Mahal but it is a nice building.

Communication from City Solicitor Clark enclosing a communication from the State of NH Department of Transportation requesting to purchase city land for the proposed Manchester Airport Access Road.

On motion of Alderman Osborne, duly seconded by Alderman Smith it was voted to approve the request.

Communication from Paul Borek, Manchester Economic Development Director, recommending that the recently vacated Ash Street School be marketed and sold competitively with the proceeds shared by the City of Manchester and Amoskeag Industries in accordance with their respective interest in the property.

Mayor Baines stated on this next item there is really nothing new to report. I have asked the Board to refer this communication from Paul Borek to the Lands and Buildings Committee meeting. At the next meeting there will be an actual recommendation to deal with the disposal of the building at that time.

On motion of Alderman Thibault, duly seconded by Alderman DeVries it was voted to refer this item to the Committee on Lands and Buildings.

Communication from Robert MacKenzie, Director of Planning and Community Development, informing the Board that there will be a shortage of funding for the Police and Fire Computer Aided Dispatch and Record Management System Program and advising that a contract is anticipated to be submitted at the December 6, 2005 meeting approval of which would bind the City to funding the project in full.

Mayor Baines stated I would recommend that this item be received and filed.

On motion of Alderman O'Neil, duly seconded by Alderman Shea it was voted to receive and file this item.

Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Development Coordinator) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Porter, duly seconded by Alderman Thibault it was voted to read the Ordinance by title only, and it was so done.

This Ordinance, having had its third and final reading by title only, on motion of Alderman Lopez, duly seconded by Alderman Forest it was voted to Ordain.

Resolution:

“Amending the FY2006 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Seventy Five Thousand Dollars (\$175,000) for FY2006 CIP 612506 Energy Efficiency Improvement Project.”

On motion of Alderman Garrity, duly seconded by Alderman O'Neil it was voted to read the Resolution by title only.

On motion of Alderman Osborne, duly seconded by Alderman Sysyn it was voted that the Resolution ought to pass and be Enrolled.

TABLED ITEM

Report of the Committee on Community Improvement recommending that the proposed Short Term Municipal/County Cleaner Manchester Project be approved.
(Unanimous vote)
(Tabled 10/18/2005 pending further information.)

This item remained on the table.

NEW BUSINESS

Alderman Shea stated at tonight's Human Resource Committee meeting we ran into a little problem concerning newly appointed department heads or department heads. What I would like to do is make a motion that we rescind the new ordinance 33.079 and go back to the previous ordinance. We have opened up in my judgement some sort of a Pandora's Box when we granted the new position at the Airport four weeks vacation and I think that we are going to run into continuous problems so I am asking the Board to rescind this ordinance and go back to the previous ordinance that we had in order to correct this problem that we now are going to be faced with. Any one in the City now is going to come into the City...

Deputy City Clerk Johnson stated I understand what Alderman Shea is attempting to do. I believe he wants to rescind the ordinance that was recently passed with regards to vacations, however, the Board has already approved one particular position under that ordinance at the Airport and, therefore, you can't really rescind it. You could amend it and we would be happy to submit an amendment to the Board at the next meeting for the referral process.

Alderman Shea stated yes that is what I am asking for.

Mayor Baines asked so what was granted at the Airport will not be eligible for any other position in the City.

Alderman Shea answered that is correct.

Mayor Baines asked would there be some problems legally with that. I want the City Solicitor...I think you are going to have a problem with that. Once you have granted it and to deny it to somebody else...

Alderman Shea interjected we are not denying it to him.

Mayor Baines stated I am only asking for clarification.

Deputy Solicitor Arnold stated I think you can amend the ordinance to provide that that won't take place. I don't think that you can alter the action that was taken with respect to the position at the Airport.

Alderman O'Neil stated I don't think that is what Alderman Shea is asking. Alderman Shea are you looking to rescind what we did for the employee at the Airport?

Alderman Shea answered no. I am asking...that is an accomplished fact but we are going to run into problems and basically I don't think it is fair for people who work in the City who are in a lower position and I am talking about people that throw barrels and work at Parks and Recreation who work 10 years and don't have the same privileges that other people making high salaries in this City are entitled to. I don't think that is fair. I think that people being hired by the City...what I am trying to say is that it is not fair. We should look out for the people on the lower rungs as well as the higher rungs and when people come into the City and are hired for high positions, they accept that on the basis of what is available at the time. If they then decide after three or four years or a month or six months that they are entitled to more time, we are opening it up for all department heads and some department heads here have worked for 10 years and they are not going to get the same benefits as people who have been working here for two years or four years. That isn't right and I think we made a mistake, your Honor.

Mayor Baines stated I am just asking is what is the actual motion.

Deputy City Clerk Johnson stated my understanding is for the Clerk to bring forth an amendment at the next meeting.

Mayor Baines stated and that is just a request and we can do that without a vote.

Deputy City Clerk Johnson responded yes.

Alderman Forest stated I don't mind Alderman Shea's amendment or anything but there is another City employee that was hired and was told that this would happen. I can see that we can eliminate all of the others but there is another...

Mayor Baines interjected there is no one that has been hired as a department head since I have been here that has been told that that would happen.

Alderman Forest stated that was part of his...and if Paul wants to come up he can come up and explain it.

Mayor Baines stated Ginny was involved in that hiring and that was not promised.

Ms. Lamberton stated what was said is that we would try to do something to increase the vacation time. There was no commitment made to that. We just said we would try.

Alderman Forest responded that is not what I understood.

Mayor Baines stated in my view I think that would be the right thing to do but it is up to the Board.

Alderman Porter stated some months ago there was a request sent in by Mr. Exline to acquire a piece of Parks & Recreation land. At that time we did not have a letter declaring it surplus. We now do. I would like to at this point refer this to the next Lands & Buildings Committee meeting.

Alderman O'Neil duly seconded the motion.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Deputy City Clerk Johnson stated we do have an additional item that was distributed to the Board and that is a request of MCAM to utilize the seal of the City to be implemented into the artist's design of a mural that they are doing at the station.

On motion of Alderman Roy, duly seconded by Alderman Garrity it was voted to authorize MCAM to use the City seal in a mural at the station.

Alderman Shea stated in regards to the Board of Recount meeting that is going to be coming up this coming Saturday I am not sure if everybody received this copy but there are two rules of procedures for recounts. The first had to do with the adoption of 11/8/03 and the second

one was dated 11/05. The Committee, which consists of Senator Andy Martel, Atty. Peter McDonough and myself, adopted the second proposal dated 11/05, which actually changed slightly to not allow any cell phone use at the table. I think that is the major concern that was addressed. The recounts will take place on Saturday at 9 AM in the Aldermanic Chambers.

Alderman Roy stated the Manchester Young Professional Network is lighting up the skyline over the next few days. If you look at the three largest towers in the City you will notice that the Brady-Sullivan Tower has a large M on it, the Hampshire Towers has a Y and a P and the Nynex Building has an N in celebration of the Manchester Young Professionals and there will be news reports tomorrow if the weather is clear enough to get in on video.

Mayor Baines stated just a reminder that we did get a clarification from Mr. Fleury regarding referendum #3 that passed, Kevin, correct me if I am wrong but that is an anticipated addition to the budget next year of up to \$1.2 million and it is a \$17 million unfunded liability. Just be aware of that as you go into the next fiscal year. It could be less but it could be more than \$1.2 million.

Alderman Lopez stated the Christmas Parade will take place on 11/26 at 4 PM. If anyone is interested in being in the parade or wants to put a float in, please get your application in as soon as possible.

Alderman Forest stated just a reminder to the citizens that are listening that the overnight parking ban started last night.

“A Resolution Endorsing the Platform of the New England Joint Action Campaign and Their Efforts to Maintain and Improve Funding for Key Affordable Housing and Education Programs in the Federal Budget.”

Alderman DeVries stated on behalf of Granite State organizing project we have a resolution that...as a matter of fact I think we met with your staff earlier this week. This is simply a resolution asking that we will endorse...a resolution endorsing the platform of the New England Joint Action Committee. Very quickly, what it is saying is that we are encouraging in the federal budget the affordable housing project such as Section 8, as well as the adult basic education Pell grant. It is only a resolution that will be going out on behalf of this body to our elected officials in Washington. It has already been endorsed by Nashua and other communities and I ask at this time that you join me in voting favorably on this action.

Alderman Gatsas asked can you tell me what other platforms are part of the New England Joint Action Campaign.

Alderman DeVries responded I cannot but if you would like to, Paul Crawford certainly could. He is in the audience. I think that is why he has been waiting patiently with us.

Paul Crawford stated the other items are at the bottom of that resolution. There is affordable housing, supporting of Pell grants and adult education funding.

Alderman Gatsas stated what it is saying here is that you are looking for the City of Manchester to endorse a platform. What is the platform of the New England Joint Action Campaign?

Mr. Crawford responded it is reiterated at the very bottom. The issues are Section 8 housing, support of Pell grants, and adult education funding. That is all it is.

Alderman DeVries stated this is important funding for our community as everybody on this Board knows. We use the affordable housing HUD Grants frequently and Section 8 housing is every important. This is not calling out anybody specific or any specific dollar amounts. It is very simple for us to pass.

Alderman Gatsas asked is there any reason that we think that the delegation from NH is not in support of this.

Alderman DeVries answered we are not calling anybody else in favor of this or not in favor of this. We are just saying that we are encouraging the continued funding. It is that simple. We can't make it be more than it is.

Mayor Baines stated there was an effort under Community Development Block Grants to basically gut that program. The legislation was blocked in Congress with bi-partisan support but that was a big concern of Mayors across the country. There are lot of issues here where there have been attempts at the federal level to cut that support, which would devastate a lot of programs for needy people in our community.

Alderman DeVries moved to adopt the Resolution. Alderman Roy duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Gatsas and Guinta duly recorded in opposition.

Deputy City Clerk Johnson stated Item 17 was a request to purchase City owned land and we would request that that be referred to the Committee on Lands and Buildings to be determined surplus under the ordinance.

On motion of Alderman Roy, duly seconded by Alderman Garrity it was voted to refer the request from the State of NH to to purchase city land for the proposed Manchester Airport Access Road to the Committee on Lands and Buildings.

Alderman DeVries stated I want to be recorded in opposition on the piece that was brought in by Paul Porter referencing 1832 Candia Road.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman O'Neil it was voted to adjourn.

A True Record. Attest.

City Clerk